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Board of County Commissioners Agenda Request 28

Date of Meeting: 10/28/2003

Date Submitted: 10/22/2003

TO: Honorable Chairman and Members of the Board
FROM: Parwez Alam, County Administrator
Vincent S. Long, Assistant County Administrator
SUBJECT: Request for Board Consideration of the Continuation of the Neighborhood Justice Center Program

Statement of Issue:

This item requests Board consideration of the continuation of the Neighborhood Justice Center (NJC) Program.

Background:

The NJC began operations in February, 1995 as a program that was intended to lessen the burden on the criminal and civil justice system by diverting certain cases to the NJC. The NJC provides local residents, businesses and institutions with access to problem solving, dispute resolution and related legal services. Mediation services are available for small civil complaints such as disputes between neighbors, merchants and consumers, landlords and tenants; and for disputes such as those between roommates, parent and child, siblings and others. In addition to mediation, another function of NJC is to make referrals to appropriate resources and social services agencies as needed, such as Family Law, Legal Aid Society, and others. The NJC has also coordinated free legal advice clinics, staffed by local attorneys who receive pro-bono credit for their participation, and has offered workshops for the public regarding landlord/tenant issues. Mediation has been conducted on a voluntary basis and the services are free to the public. NJC's mediators are Supreme Court Certified volunteers.

An advisory committee was established in 1994 to assist with the operation and growth of the NJC. It was the outgrowth of a 21st Century Judicial Planning Group, convened by Florida's former Chief Justice Rosemary Barkett in an effort to meet the changing needs of the criminal justice system. The intent was to establish a more user friendly system that would be accessible to neighborhoods, and divert those items from the court system, which could be referred to other services such as mediation or counseling.

Chief Judge for the Second Judicial Circuit, Philip Padovano convened a planning committee, which met in January 1994 and established the groundwork for NJC (Attachment #1). Funding was secured through grants from the Florida Supreme Court and the Department of Community Affairs. An Executive Director was named in 1994 and the NJC opened its doors to the public within one year after the Planning Committee began their discussions.

The Planning Committee became the NJC Advisory Board. The responsibilities for this Advisory Board were to:

Make recommendations for improved operations.

Make recommendations on mission and direction of the NJC.

Make recommendations on areas for expanded services.

Assist with identifying and secure funding for the NJC operation.

From the program's inception to February, 2002, the administration of the program was under the responsibility of the Court Administrator's office. On February 26, 2002 the Board of County Commissioners approved the transfer of the functions of the NJC from Court Administration to Leon County. The Board's action was a result of then Chief Judge Gary's decision to discontinue the NJC as a Court function. The program was initially placed under the Division of Housing and Human Services, but has since been transferred to the Volunteer Center through the Board's action on May 27, 2003 (Attachment #2).

Analysis:

This agenda item comes to the Board to seek direction on the continuation of the NJC program. For numerous reasons which are enumerated in this item, staff is recommending that the NJC no longer function as a County program.

Program Authority and Protections for Immunity

County staff has spent the last few months attempting to get the Neighborhood Justice Center program in order. Previous management of this program had resulted in inconsistencies that have led to grant funding account confusion, inadequate reporting to funding agencies and overall program noncompliance with Chapter 44.201 of the Florida Statutes (Attachment #3).

In addition, when the NJC was transferred from the Courts to the County, what did not transfer was the protections afforded under Chapter 44.201 which include immunity to volunteer mediators from liability, confidentiality of the mediation and the mandate of attendance at a mediation session. Any mediation performed by the NJC after its separation from the Courts were potentially not covered under the provisions of Chapter 44.201 (Sections 5 and 6).

In an attempt to remedy this issue, staff met several times with the Chief Judge and staff from current Court mediation programs to determine whether a merging of the NJC with current Court mediation programs was feasible. The 2nd Judicial Circuit currently operates a Family Mediation Program and County Court Mediation Services which utilize volunteer mediators who are certified by the Florida Supreme Court, similar to those used by the NJC (see attachment #4 and #5 for program descriptions). Initial conversations with Court mediation staff led to the conclusion that, if feasible, the transfer or integration of the NJC into the Court's current mediation programs would result in important immunity protection to the County and mediators, as well as allow for increased coordination and resolution of mediation.

In a letter dated August 20, 2003, Judge Charles Francis indicated that, after a thorough review of Article V, Revision 7 and the changes to funding of mediation programs set forth in the statutes, that he would "be unable to integrate the functions of the NJC into the court system or assume the responsibility of managing the program" (Attachment #6).

Without the Chief Judge's participation in the program, and absent a legislative change to Chapter

44.201 of the Florida Statutes, the Chief Judge would need to issue an administrative order to allow the NJC to fall under the protections of Chapter 44.201 regarding immunity, confidentiality and overall authority. Staff and the County Attorney met with the Chief Judge on September 24, 2003 to discuss the possibility such an administrative order. The Chief Judge was not in favor of extending this administrative order to the program for the following reason. Under Chapter 44.201 of the Statutes, the Chief Judge is named as chairman of the Advisory Council and it is his responsibility to appoint the other members to the Council. The Chief Judge feels that this role within the NJC will be a violation of Article V, Revision 7 in that he is paid with state funds, and would be performing duties of a County-run, federally funded program. The Chief Judge is taking the stance that the Courts should be focusing on court cases. Services performed by the NJC are for non-suit matters and are beyond the scope of the Courts. For these concerns, the Chief Judge is unwilling to issue a temporary order to cover the NJC under the protections afforded in Chapter 44.201.

Without the protections outlined in Chapter 44.201, the NJC volunteer mediators will not be immune from liability, the mediation will not have a mandate of confidentiality and citizens will not be mandated to attend sessions once scheduled - in other words, the program will have little authority or protection from liability.

Advisory Council

The NJC has not been operating under the guidelines of Chapter 44.201 with regard to the Advisory Council. The composition of the Advisory Council and the responsibilities of the Council are outlined in Section 44.201(2)(a) of the Florida Statutes. The NJC Advisory Council has not convened a meeting (of all or a majority of the membership) since the summer of 2001.

Animal Control Cases to Mediation

In 1999, the Courts issued an administrative order (#99-04) relating to the Diversion of Division of Animal Control Cases to Mediation (Attachment #7). After meeting with the Chief Judge on September 24, 2003, staff has learned from Court Administration that the Animal Control administrative order is in the process of being terminated, thereby nullifying the need for the NJC to perform these mediation.

Performance of the NJC

The NJC has been through a number of organizational and leadership changes over the last year and a half. As mentioned previously, in a February 26, 2002 agenda item, the Board approved the transfer of the NJC from the Courts to the County. Since that date, there have been three leadership changes to this program, with the last resulting in the transfer of the program to the County's Volunteer Center on May 27, 2003. Since this transfer, the NJC has paused the scheduling of mediation sessions as a result of not being covered under Chapter 44.201.

Previous to this, the program performed the following number of mediations and related services in fiscal year 2001-2002:

Intakes: 117

Cases resolved without referral or mediation: 86

Impasse :5

Cases settled: 24 full, 2 partial

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Total Mediations: 31

Free Legal Clinics: 10

Total Clients Served: 57

By comparison, the County Court Mediation Program mediated a total of 1,274 cases in 2001, and 1,508 cases were mediated in 2002 (Attachment #X). Likewise, the Family Mediation Program mediated 410 cases in 2001 and 382 cases in 2002. The NJC in years past has mediated a very small number of cases in comparison to these other mediation programs.

Since the Volunteer Center took over the NJC program in June 2003, mediation services have been paused, and Volunteer Center staff has been coordinating legal clinics, providing referrals to other programs, and responding to information requests for calls that are placed to the NJC.

Under the leadership of the Volunteer Center, the NJC has the potential to grow into a very successful program. Unfortunately, without the administrative order extending liability protections to the volunteer mediators, and mandating attendance at mediations, the program offers little authority to be effective or protection to the mediators. It is also undetermined whether the NJC has had a substantial impact on the Leon County Jail population, to date.

The NJC is currently being managed by a Volunteer Center employee who is temporarily working out of class. This employee's Volunteer Center position is being held open for them until a decision is made regarding the future of the NJC. Should the Board decide to dissolve the NJC, no loss of employment will occur.

Current Funding of NJC

The NJC is currently funded through both the County and City's Local Law Enforcement Block Grants (LLEBG). For fiscal years 2003 - 2005, the County grant contributes \$19,804 to the program and the City's grant contributes \$26,644 to the program. This is the last cycle of the LLEBG as this program is being terminated and replaced next summer. It is currently uncertain what parameters the new grant program will encompass, further adding to the uncertainty of the future funding of the NJC.

Should the Board decide to discontinue the functions of the NJC, the LLEBG grant funding could be distributed to the other programs currently funded under this cycle's grant. The County portion of the grant is also funding programs such as Adult Drug Court, Drug Awareness Resistance Education (DARE) and Gang Resistance Education and Training (GREAT), a Part-time OPS Process Server position in the State Attorney's Office, and Video Downlink Equipment for the Sheriff's Office helicopter and Emergency Management Operations Center (Attachment # 8).

However, the distribution of this grant money would not be limited to the above programs. One of the Board's priorities this year, as in previous years, has been jail population management. This grant funding may be better used to support programs that directly result in a reduction of the jail's population. Should the Board dissolve the NJC, it is recommended that the LLEBG Advisory Council be directed to bring back recommendations to the Board of programs appropriate to fund with the grant distribution currently earmarked for the NJC that will better result in a reduction in the jail population.

Summary

The NJC is currently unable to fully comply with Chapter 44.201, Florida Statutes. The Advisory Council has been defunct since the summer of 2001, and the Chief Judge has no interest in merging the functions of this program with the other Court mediation programs, or with issuing the administrative order to give the program immunity and credibility. In addition, there is no evidence that the mediations provided by the NJC are significantly impacting judicial system or jail population. Furthermore, with Article V, Revision 7 issues still under debate at the Legislature, it is in the County's best interest not to assume any additional court related functions at this time.

The NJC was implemented in 1995 as a service that was intended to lessen the burden on the criminal and civil justice system by diverting those cases, that could be resolved outside the courthouse to NJC. Unfortunately, without the authority and immunity provided under Chapter 44.201, F.S., and an interested and proactive advisory council, the program will have limited effectiveness on fulfilling this mission.

Options:

1. Direct the County Administrator to dissolve the Neighborhood Justice Center effective immediately.
2. Direct the LLEBG Advisory Council to reconvene and make a recommendation to the Board for redistribution of grant funds originally earmarked for the Neighborhood Justice Center.
3. Do not direct the County Administrator to dissolve the Neighborhood Justice Center and direct staff to pursue the appropriate legislative remedy to address Chapter 44.02, Florida Statutes to provide the County with the protections provided therein.
4. Board Direction.

Recommendation:

Options #1 and #2.

Attachments:

1. Administrative Order 94-01, NJC Planning Committee
2. 5/27/03 BCC Agenda Item
3. Chapter 44.201, Florida Statutes
4. County Court Mediation Services Program Description
5. Family Mediation Program Description
6. 8/20/03 Letter from Chief Judge Francis
7. Administrative Order 99-04, Animal Control
8. 8/26/03 BCC Agenda Item

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IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO: 94-01

IN RE: ESTABLISHMENT OF A NEIGHBORHOOD JUSTICE CENTER PLANNING
COMMITTEE

WHEREAS, the Second Judicial Circuit has successfully utilized mediation with great success as a dispute resolution alternative in county civil cases, circuit civil cases, as well as family division matters; and

WHEREAS, research indicates that the resolution of disputes at a community level prior to the initiation of a civil action can lead to a more cost-effective and long-term resolution of that dispute; and

WHEREAS, there is a desire to establish a pilot center in one community in Leon County to assess the viability of this concept in reducing the initiation of civil actions and equipping communities with the ability to resolve disputes in a less litigious and costly manner. It is therefore

ORDERED THAT:

I. PLANNING COMMITTEE

A Leon County Neighborhood Justice Center Planning Committee is hereby established. Membership on this committee shall consist of the following:

1. The chief judge of the Second Judicial Circuit or a circuit judge designated by the chief judge. The chief judge or circuit judge shall serve as the chair of this planning committee.
2. The Leon County Commissioner designated by the chief judge.
3. The chair of the Leon County Board of County Commission or designee.
4. The chair of the Tallahassee City Commission or designee.
5. The director of the Florida Dispute Resolution Center or designee.

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6. The trial court administrator for the Second Judicial Circuit or designee.
7. The director of the Leon County Citizens Dispute Settlement Program or designee.
8. The chair shall reserve the right to add additional members at any time. However, membership on this committee shall not exceed (12) twelve members.

II. PURPOSE

The purpose of this Planning Committee will be to develop a plan for the implementation of a Neighborhood Justice Center in one neighborhood in the Tallahassee area. The primary purpose of the Neighborhood Justice Center will be to bring mediation and other dispute resolution resources to that neighborhood to resolve inter-personal, economic, landlord-tenant and other conflicts that may arise within the neighborhood.

III. COMMITTEE RESPONSIBILITIES

The specific responsibilities of this committee shall include, at a minimum:

1. Determining one neighborhood within the geographical confines of the City of Tallahassee to implement the neighborhood justice program.
2. Identifying a facility to house the Neighborhood Justice Center.
3. Determining whether volunteer mediation services can be utilized to assist in resolving neighborhood disputes.
4. Determining whether other services could be appropriately managed by the Neighborhood Justice Center Program, such as: indigent legal services, constitutional rights education, assistance in obtaining domestic violence injunctions, a referral service for citizens needing additional assistance, and other functions that may be deemed appropriate and feasible by the planning committee.
5. Identifying the resources needed to implement, at least on a part time basis, the neighborhood justice center concept.
6. Determining potential funding sources to establish a Neighborhood Justice Center project in Leon County Florida.

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IV. MEETINGS

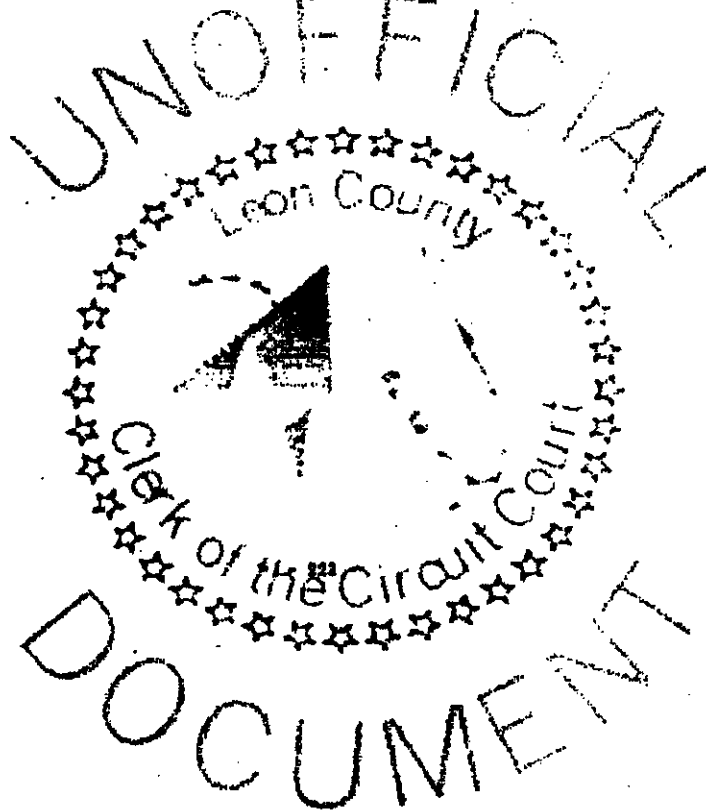
The committee shall meet at the times and locations determined by the Chair. The committee shall produce a final report by May 2, 1994.

V. FUTURE ACTIVITIES

The Neighborhood Justice Center Planning Committee shall remain in existence after the above referenced plan is completed. The Committee shall assume an oversight role when a Neighborhood Justice Center is established. The committee shall periodically review the activities and accomplishments of the Neighborhood Justice Center, make recommendations for improved operation, recommend areas for expanded service and assess the feasibility of creating additional centers in other neighborhoods.

DONE AND ORDERED in Chambers in Tallahassee, Leon County, Florida
this 3 day of January, 1994.


PHILIP J. PADOVANO
CHIEF JUDGE



Board of County Commissioners Agenda Request 6

Date of Meeting: 5/27/2003

Date Submitted: 5/22/2003

TO: Honorable Chairman and Members of the Board
FROM: Parwez Alam, County Administrator
SUBJECT: Reorganization of the Department of Community Development

Reorganization of the Department of Community Development

Statement of Issue:

This is a request to reorganize the functions currently within the Community Development Department.

Background:

One of the roles of the County Administrator is to continuously evaluate the effectiveness of the current organizational structure and to align functions, staffing levels, and work processes with the priorities and objectives of Leon County government. The recent review of the Department of Community Development's Site and Development Plan Process performed by the Office of Management and Budget (OMB) has provided an opportunity to restructure certain elements within the Department to achieve greater efficiencies and enhance customer service as it relates to developmental and environmental concerns of the County.

The following analysis section describes an organizational realignment that the County Administrator will implement to provide increased coordination of related functions and further enhance the County's ability to operate in the most efficient and effective manner possible.

Analysis:

The results of OMB's review of the Site and Development Plan Process brought to light several issues that, when improved, will create greater efficiencies within the County's Community Development Department. The actions below represent the immediate steps the County Administrator will take to continue to improve the services provided in this Department and to ensure that the County's growth and environmental interests are being protected to the best of our ability.

1. All past delegation of the County Administrator's authority to any members of the Community Development Department is withdrawn. All instances where the County Code refers to "County Administrator or designee" shall be referred to the County Administrator for decision or approval. A list of these sections of the County Code will be prepared by Growth Management.
2. The position of Director of Community Development is replaced by a new position titled "Director of Growth and Environmental Management" that will report directly to the County Administrator. An appropriate pay grade will be applied to this position.

3. The Planning Department will report to the Assistant County Administrator. The functions of the Planning Department are discrete and separate from the functions of Growth Management. As such, it is appropriate to place the Planning Department under the Assistant County Administrator and keep it separated from the Office of Growth Management so as to avoid confusion regarding the distinct functions of each office.
4. The housing functions that are currently within Community Development will be placed under the Director of Health and Human Services. Earlier this fiscal year, a majority of the functions of the previous Division of Housing and Human Services were absorbed by the Director of Health and Human Services. The placement of the housing functions into this Division will complete this organizational transfer and appropriately place all services associated with housing, health and other human services under this Division.
5. Also as part of this reorganization, the Grants Coordinator position will be placed under the Director of Health and Human Services. The Grants Coordinator is responsible for the Community Human Services Partnership (CHSP) Process and currently shares a position with the Director for this purpose. Placement of this position under the Director of Health and Human Services will further align all associated human services functions under one division.
6. The Neighborhood Justice Center (NJC) currently within the Housing Division will be placed under the Director of Volunteer Services. The functions of the NJC involve, primarily, a coordination of volunteer mediators. The Director of Volunteer Services is a certified Supreme Court Mediator, is knowledgeable of the mission of the Neighborhood Justice Center and the coordination of NJC volunteers in addition to the many other volunteers being coordinated fits appropriately within the functions of Volunteer Services.

In addition, a comprehensive management audit of all of the functions within the Office of Growth Management will be performed by OMB and the Clerk's Internal Audit Division over the next year for continued evaluation of any further process improvements or organizational adjustments that may be necessary.

Options:

1. Confirm the reorganization of the Department of Community Development as described above.
2. Do not confirm the reorganization of the Department of Community Development as described above.
3. Board Direction.

Recommendation:

Option #1.



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Chapter 44

Title V

JUDICIAL BRANCH MEDIATION ALTERNATIVES TO JUDICIAL ACTION

44.201 Citizen Dispute Settlement Centers; establishment; operation; confidentiality...

(1) The chief judge of a judicial circuit, after consultation with the board of county commissioners of a county or with two or more boards of county commissioners of counties within the judicial circuit, may establish a Citizen Dispute Settlement Center for such county or counties, with the approval of the Chief Justice.

(2)(a) Each Citizen Dispute Settlement Center shall be administered in accordance with rules adopted by a council composed of at least seven members. The chief judge of the judicial circuit shall serve as chair of the council and shall appoint the other members of the council. The membership of the council shall include a representative of the state attorney, each sheriff, a county court judge, and each board of county commissioners within the geographical jurisdiction of the center. In addition, council membership shall include two members of the general public who are not representatives of such officers or boards. The membership of the council also may include other interested persons.

(b) The council shall establish qualifications for and appoint a director of the center. The director shall administer the operations of the center.

(c) A council may seek and accept contributions from counties and municipalities within the geographical jurisdiction of the Citizen Dispute Settlement Center and from agencies of the Federal Government, private sources, and other available funds and may expend such funds to carry out the purposes of this section.

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Bill #: **1000**

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(3) The Citizen Dispute Settlement Center, subject to the approval of the council and the Chief Justice, shall formulate and implement a plan for creating an informal forum for the mediation and settlement of disputes. Such plan shall prescribe:

- (a) Objectives and purposes of the center;
- (b) Procedures for filing complaints with the center and for scheduling informal mediation sessions with the parties to a complaint;
- (c) Screening procedures to ensure that each dispute mediated by the center meets the criteria of fitness for mediation as set by the council;
- (d) Procedures for rejecting any dispute which does not meet the established criteria of fitness for mediation;
- (e) Procedures for giving notice of the time, place, and nature of the mediation session to the parties and for conducting mediation sessions;
- (f) Procedures to ensure that participation by all parties is voluntary; and
- (g) Procedures by which any dispute that was referred to the center by a law enforcement agency, state attorney, court, or other agency and that fails at mediation, or that reaches settlement that is later breached, is reported to the referring agency.

(4)(a) Each mediation session conducted by a Citizen Dispute Settlement Center shall be nonjudicial and informal. No adjudication, sanction, or penalty may be made or imposed by the mediator or the center.

(b) A Citizen Dispute Settlement Center may refer the parties to judicial or nonjudicial supportive service agencies.

(5) Any information relating to a dispute obtained by any person while performing any duties for the center from the files, reports, case summaries, mediator's notes, or other communications or materials, oral or written, is confidential and exempt from the provisions of s. 119.07(1) and shall not be publicly disclosed without the written consent of all parties to the dispute. Any research or evaluation effort directed at assessing program activities or performance shall protect the confidentiality of such information. Each party to a Citizen Dispute Settlement Center proceeding has a privilege during and after those proceedings to refuse to disclose and to prevent another from disclosing communications made during such proceedings, whether or not the dispute was successfully resolved. This subsection shall not be construed to prevent or inhibit the discovery or admissibility of any information which is otherwise subject to discovery or which is admissible

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under applicable law or rules of court, except that any conduct or statements made during such mediation sessions or in negotiations concerning such sessions shall be inadmissible in any judicial proceeding.

(6) No officer, council member, employee, volunteer, or agent of a Citizen Dispute Settlement Center shall be held liable for civil damages for any act or omission in the scope of employment or function, unless such person acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of the rights, safety, or property of another.

(7) Any Citizen Dispute Settlement Center in operation on October 1, 1985, may continue its operations in its current form with the approval of the chief judge of the judicial circuit in which such center is located, except that paragraph (4)(b) and subsections (5) and (6) shall apply to such centers.

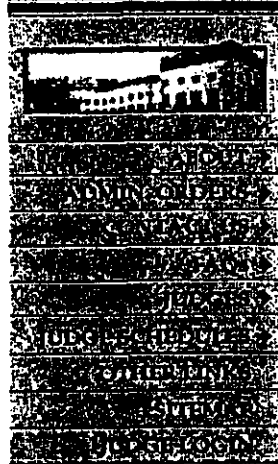
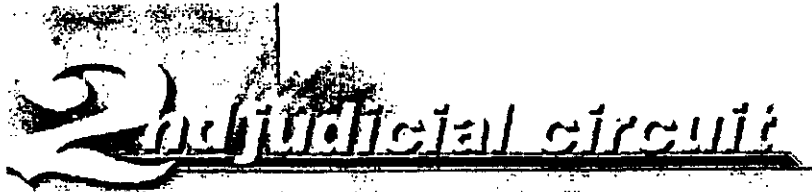
(8) Any utility regulated by the Florida Public Service Commission is excluded from the provisions of this act.

History.--s. 2, ch. 85-228; s. 16, ch. 90-360; s. 263, ch. 95-147; s. 19, ch. 96-406.

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County Court Mediation Services

County Court Mediation Services began in the Second Judicial Circuit in the Small Claims Division of Leon County in July 1985. Since its inception the program has expanded to Wakulla County with plans to expand the program to Gadsden County. County Court Mediation Services uses volunteer mediators who are certified by the Florida Supreme Court to conduct mediations. Mediation is used as a means for the opposing parties to resolve disputes themselves, rather than resorting to a trial. Annually, the volunteers conduct in excess of 1,400 mediations at a cost avoidance to the public of \$275,000.

Small Claims Court

Small Claims Court involves lawsuits for a value less than \$5,000. Typical small claims cases involve disputes of money owned, contract, landlord tenant, consumer, auto repair and property damage. After the case is filed, the first court proceeding is called a "pretrial conference." The judge will order mediation at the pretrial conference if the parties are unable to settle their dispute.

What is Mediation?

Mediation is a process through which parties meet with an impartial third party, the mediator, in an attempt to resolve their differences prior to appearing before the judge. The mediator acts as a facilitator helping the parties to focus on the issues, encouraging discussion between the parties and assisting them in reaching a fair and mutually acceptable and voluntary agreement. The mediator does not make a decision for the parties but helps them in reaching their own decisions. The mediator assists the parties in sorting out the issues and may offer suggestions for consideration. Except for written agreements that are signed by all of the parties, the mediator keeps the contents of the mediation session and any private meetings between the parties confidential. Therefore, any discussion occurring during mediation cannot be used as evidence unless both parties agree. The mediator prepares the mediation agreement for submission to the court. If approved by the court the

mediation agreement becomes part of the final court order. Counsel for the parties may be present at mediation, but their presence is not required.

Who are Mediators?

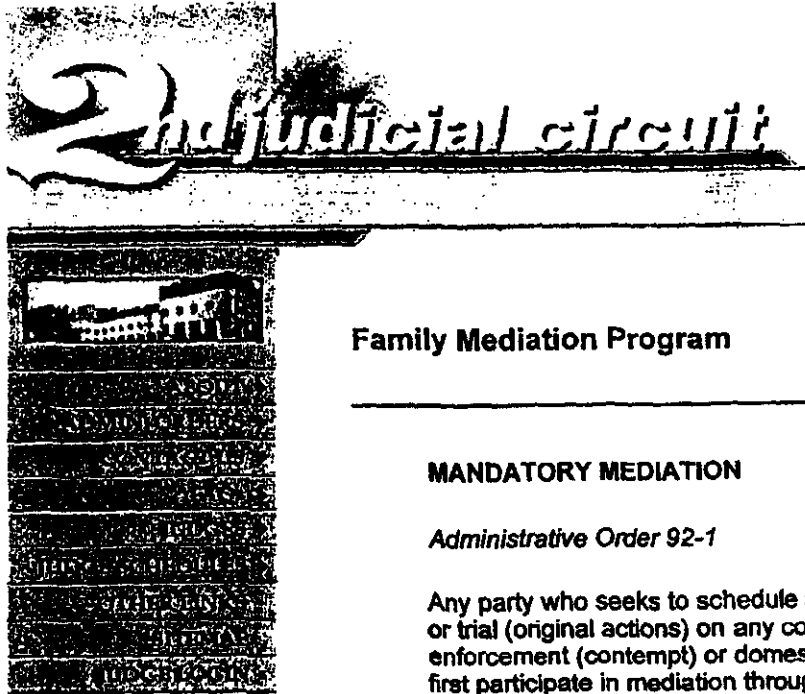
County Court Mediation Services use volunteers who, upon completion of required training and background review, are certified by the Florida Supreme Court. Mediators are neutral third parties with no personal or financial interest in the case. Mediators do not provide legal or personal advice.

Advantages of Mediation

Mediation affords the opposing parties the opportunity to have a say in the outcome of their case and to actively participate in obtaining a mutually agreeable settlement. Settlement is viewed as fair by both parties. Cases are resolved with one court appearance. Additionally, mediation preserves personal and business relationships, allows debtors to arrange repayment plans, preserves credit reputations, protects privacy, and avoids the preparation and publicity of a trial. The agreement is final and the dispute is resolved.

Additional Information

For more information about County Court Mediation Services, please contact Mark Palmquist, Director of County Court Mediation Services, at 850-509-8690 or Susan Wilson, Senior Deputy Court Administrator, at 850-577-4400 or write to: Office of the Court Administrator; County Court Mediation Services; 301 South Monroe Street, Room 315; Tallahassee, FL 32301.



Family Mediation Program

MANDATORY MEDIATION

Administrative Order 92-1

Any party who seeks to schedule a final hearing (modification) or trial (original actions) on any contested issue, other than enforcement (contempt) or domestic and repeat violence, shall first participate in mediation through the family mediation services provided by the court or private mediator if a private mediator is agreed to or ordered by the court. The mediator shall certify that mediation is completed prior to either party scheduling a final hearing or trial.

What is mediation?

- Mediation is a process through which parties involved in a family court matter meet with a neutral third party, the mediator, in an attempt to resolve their differences prior to going before the judge.
- The mediator acts as a facilitator to help the parties focus on the issues and assists them in reaching a fair and mutually-acceptable agreement.
- The mediator does not make a decision for the parties but helps them in reaching their own decision.

What kinds of cases must be mediated?

- Dissolution (divorce) actions
All issues, including child support, parental responsibility, distribution of real and personal property, alimony, etc.
- Changes in child support
- Changes in parental responsibility (custody and visitation)
- Changes in visitation
- Original paternity actions once paternity has been established

How long does mediation take?

- o The typical mediation takes only one session or two to two and a half hours. If the parties reach an agreement, the mediator prepares the written agreement immediately after the session, usually in less than an hour (frequently in less than ½ hour).
- o All participants are required to stay for the entire session, including preparation of the agreement.
- o Unless the mediation office advises you otherwise, make sure you set aside a minimum of three and one half hours for the mediation.

What is the role of the mediator?

- o The mediator acts as a facilitator to encourage discussions between the parties.
- o The mediator assists the parties in sorting out the issues and separating the needs of the parties from the needs of the children.
- o The mediator may offer suggestions for consideration.
- o The mediator assists the parties in examining alternatives for settlement.
- o Except for written agreements that are signed by all parties, the mediator keeps confidential the contents of the mediation session and of any private meetings between the parties.
- o The mediator prepares the mediation agreement for submittal to the court.

What are the limits of mediation?

- o The mediator does not determine who is right and who is wrong.
- o The mediator does not decide the case.
- o The mediator does not make decisions for you.
- o The mediator does not give you legal advice.
- o The mediator may not offer an opinion as to what the judge in your case will decide.
- o The mediator does not provide counseling for the participants. Parties desiring counseling are urged to seek assistance from community agencies, churches, or private providers.

Who serves as mediator?

- o Mediations scheduled through the family mediation program are conducted by experienced mediators certified by the Supreme Court of Florida. Most mediations are conducted by our mediation coordinator. Other mediators may be substituted depending on the coordinator's availability.

Can I bring my lawyer?

- o Parties represented by lawyers are encouraged

to bring the lawyer to mediation.

- o If you are represented by a lawyer, any agreement you reach will be provided to your lawyer for review.

Who will be present for the mediation?

- o the mediator
- o the parties
- o their lawyers, if any
- o the guardian ad litem, if any
- o At times, a mediator trainee will participate in the session.
- o No other persons, including current spouses and other family members, may be present without the permission of the mediator and the agreement of all participants.

What do I need to bring with me?

- o The fee for your session. You may pay in cash or by check or money order.
- o The information sheet this office mailed to you.
- o Proof of all income (pay-stubs, tax returns, letter from employer, etc.)
- o Any documents you wish to discuss at the mediation session. What you need to bring varies with the type of case you have, but you will generally want to bring any document related to your case.

NOTE: DO NOT BRING CHILDREN TO THE MEDIATION. THEY WILL NOT BE ALLOWED TO ACCOMPANY YOU TO THE MEDIATION ROOM, AND THIS OFFICE DOES NOT HAVE CHILD CARE FACILITIES.

Questions? Please call us at (850) 577-4433

Please send comments to: BeckerM@mail.co.leon.fl.us



Family Mediation Division
Leon County Courthouse, Room 358
Tallahassee, FL 32301
(850) 577-4433
Fax: (850) 487-7947

cc: Herb Thiele, Leon County Attorney
Vince Long, Assistant County Administrator
~~Andre Smith, County Administrator~~
Patsy Williams, Acting Court Administrator

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PUBLIC RECORDS LEON COUNTY FL
BOOK: R2247 PAGE: 01942
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CLERK OF THE CIRCUIT COURT
STATE OF FLORIDA



BK: R2247 PG: 01942

IN THE SECOND JUDICIAL
CIRCUIT OF FLORIDA

OFFICE OF THE CHIEF JUDGE

ADMINISTRATIVE ORDER NO: 99-04

IN RE: DIVERSION OF DIVISION OF ANIMAL CONTROL CASES TO
MEDIATION

FILED
CLERK OF THE CIRCUIT COURT
LEON COUNTY, FLORIDA

WHEREAS, the Neighborhood Justice Center has been approved by the Chief Justice of the Florida Supreme Court to operate as a citizens dispute settlement center in accordance with Section 44 201, Florida Statutes; and

WHEREAS, the Neighborhood Justice Center has a group of volunteer mediators who have been certified by the Florida Supreme Court as county court mediators, and

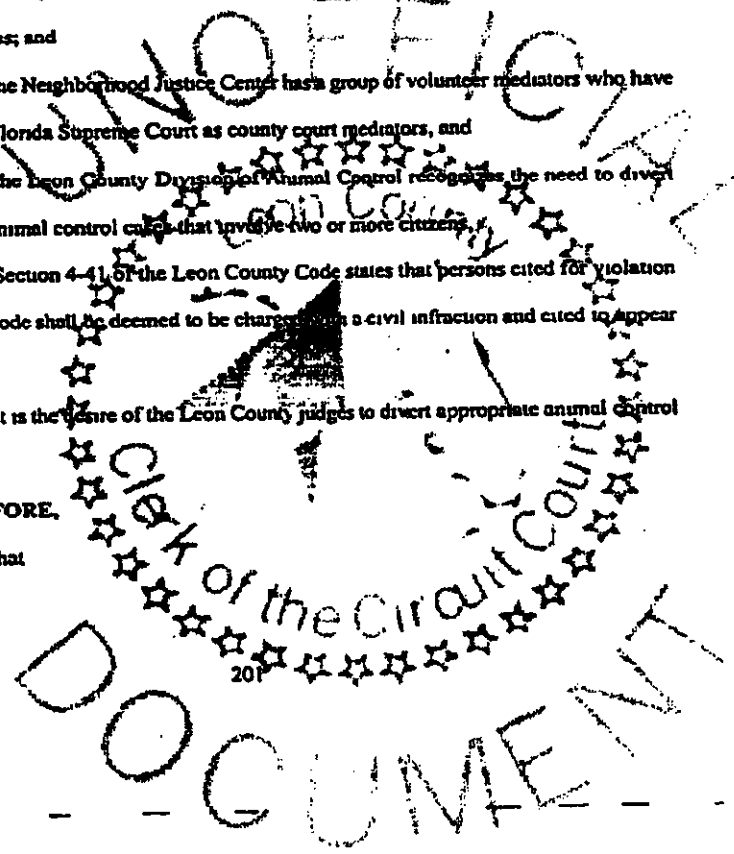
WHEREAS, the Leon County Division of Animal Control recognizes the need to divert certain categories of animal control cases that involve two or more citizens,

WHEREAS, Section 4-41 of the Leon County Code states that persons cited for violation of the animal control code shall be deemed to be charged with a civil infraction and cited to appear in county court, and

WHEREAS, it is the desire of the Leon County judges to divert appropriate animal control cases to mediation,

It is THEREFORE,

ORDERED that



1 The Leon County Neighborhood Justice Center is hereby charged with the responsibility of mediating appropriate animal control cases that are referred to the center for mediation

2 Personnel of the Leon County Division of Animal Control shall have the discretion to refer animal control cases to the Neighborhood Justice Center for mediation. The following categories of cases are deemed to be appropriate for referral:

- A Barking and noisy animals
- B Loose animal cases
- C Nuisance cases
- D Certain dangerous or aggressive animal cases
- E Contested situations which involve two or more parties

3 Parties referred to the Neighborhood Justice Center must demonstrate a good faith effort to resolve the dispute in question. Cases shall not be docketed on the court's calendar without a "Notice of Impasse" from the Neighborhood Justice Center. Upon receipt of a "Notice of Impasse" the clerk of the court shall set the case on the court's calendar.

4 A procedure shall be jointly developed by the Neighborhood Justice Center and the Leon County Division of Animal Control to establish the process to refer cases to the Neighborhood Justice Center for mediation. The procedure shall also be devised to provide information to the Leon County Division of Animal Control on the outcome of the mediation or attempts to initiate a mediation session.

5. The Director of the Neighborhood Justice Center shall prepare, on a quarterly basis, a report summarizing the number of cases diverted to the Neighborhood Justice Center for mediation, the number of cases mediated, and the number of cases in which settlement is reached

Done and Ordered in Chambers at Tallahassee, Leon County, Florida, this 29 day of April, 1999.

Don Modesitt
DONALD S. MODESITT
LEON COUNTY ADMINISTRATIVE JUDGE

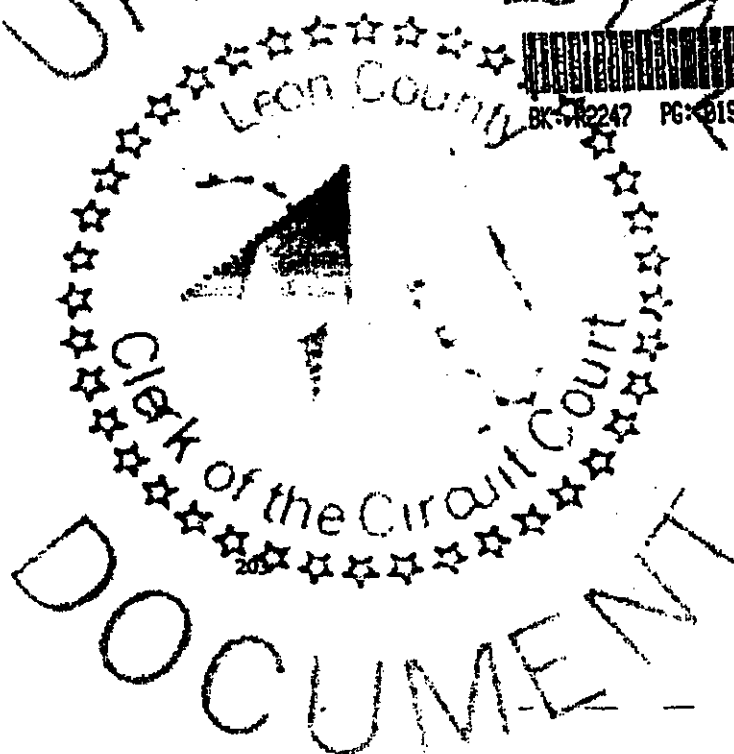
George S Reynolds III
GEORGE S. REYNOLDS III
CHIEF JUDGE

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TALLAHASSEE, FLORIDA



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Board of County Commissioners Agenda Request 40

Date of Meeting: 8/26/2003

Date Submitted: 8/20/2003

TO: Honorable Chairman and Members of the Board
FROM: Parwez Alam, County Administrator
 Vincent Long, Assistant County Administrator
SUBJECT: Public Hearing on the Proposed Allocation of the 2003-2005 Local Law Enforcement Block Grant (LLEBG)

Statement of Issue:

This agenda item requests that the Board conduct a public hearing and approve the proposed allocation of the 2003-2005 Local Law Enforcement Block Grant (LLEBG) funds, as required by federal law, and authorize staff to submit the 2003-2005 LLEBG application.

Background:

The LLEBG is a grant that the County receives annually from the U.S. Department of Justice. Since 1996 the County has used this funding to fund a variety of programs addressing criminal justice activities. For the 2003-2005 LLEBG (the grant cycle is 24 months), \$108,304 has been allocated to Leon County. A LLEBG Advisory Board (Attachment #1), consisting of representatives of agencies as designated in program rules, has met and developed the recommendations presented in this agenda item.

Analysis:

A public hearing to discuss the proposed use of the funds is required by federal law as part of the 2003-2005 LLEBG process. The U.S. Department of Justice will notify Leon County when the programs are approved and staff will bring back an agenda item with the necessary contractual and budget forms. The programs proposed and the recommended funding for each are:

Program	Agency / Match Source	Gt. Amount	Match	Total
Adult Drug Court (i)	Court Administrator	\$22,500	\$2,500	\$25,000
DARE/GREAT	School Board	\$6,000	\$ 667	\$ 6,667
Neighborhood Justice Center (i)	County	\$19,804	\$1,556 5,160	\$21,360
Process Server	State Attorney	\$20,000	\$2,223	\$22,223
Video Downlink	Sheriff	\$40,000	\$4,445	\$44,445
Total		108,304	\$11,391	\$119,695

is made to provide a means to alleviate some of the workload demands. Funds will be used to place a part time OPS process server. It is anticipated the part time OPS person would be a Leon County Sheriff's office employee stationed in the Office of the State Attorney.

- **Video Downlink Equipment**

This technology will enable a video feed from the Sheriff's Office helicopter to remote sites in the Emergency Management Operations Center and the newly purchased Mobile Command & Communications Unit. The video downlink system will give supervisors on the ground the ability to see an aerial view of law enforcement situations, giving them more information when making public safety decisions.

Options:

1. Conduct the public hearing on the proposed allocation of 2003-2005 LLEBG funds.
2. Approve the submittal of the grant application using the recommendations of the LLEBG Advisory Committee.
3. Board direction.

Recommendation:

Options #1 and #2

Attachments :

1. LLEBG Advisory Board Roster
2. Public Notice

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